

OPEN AND SHUT?

Friday, January 13, 2012

Can AAP Members stay neutral in the row over the Research Works Act?

In the past couple of days I have reported on the decisions by [MIT Press](#), [ITHAKA](#) and [Pennsylvania State University Press](#) to distance themselves from the Research Works Act (RWA), otherwise known as [HR 3699](#).

All three organisations are members of the Association of American Publishers (AAP), which backs the RWA, and has [described](#) the bill as "significant legislation that will help reinforce America's leadership in scholarly and scientific publishing in the public interest and in the critical peer-review system that safeguards the quality of such research."



If passed, however, the RWA would be a major setback for the Open Access movement, since it would reverse the [Public Access Policy](#) introduced by the US National Institutes of Health (NIH) requiring that all NIH-funded research is made freely accessible online, and it would prevent other federal agencies from imposing similar requirements on researchers.

Unsurprisingly, therefore, the AAP has become the target for a lot of criticism, with the research community calling on members of the association to disavow both the bill and AAP's support for it. There have also been [calls](#) for AAP members to resign in protest.

However, it is not currently clear how representative the views of MIT Press, ITHAKA and Pennsylvania State University Press are. In an attempt to find out I have over the past week or so contacted around 35 members of the AAP, primarily scholarly publishers. The majority of these organisations have yet to reply to my enquiry.

In contacting these organisations I asked the following three questions:

1. Do you support the National Institutes of Health [Public Access Policy](#)? If not, why not?
2. Do you support the Research Works Act (RWA)? If not, why not?
3. If you do not support the RWA is it your intention to try to change AAP/PSP's public support of the Act (as outlined in its [statement](#) of 23rd December), or are you more likely to publicly disassociate yourself from AAP's position, or even perhaps leave the AAP?

Of those who responded to me, the only organisation to answer all three questions directly (rather than issue a general statement) was the [New England Journal of Medicine](#). The NEJM answered in this way:

1. [Dr. Drazen](#) [NEJM editor-in-chief] was on the NIH Public Access working group, and our policies actually surpass the guidelines of the NIH Public Access Policy: All of our research content, regardless of funding source, is freely available six months after publication.
2. We have no position on the RWA as drafted.
3. We will continue to support AAP/PSP.

But is NEJM's neutrality more representative of what AAP members feel about the RWA than the position taken by, say, MIT Press? One cannot know for sure, but it does seem likely (for the moment at least). Below, for instance, is the response I received from [CrossRef](#):

"As a not-for-profit trade association of publishers CrossRef does not take positions on political matters. We have 1,300 very diverse members who range

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from large commercial publishers to small not-for-profits and they also include society publishers, government organisations, and university publishers. Our members hold a variety of opinions about open access and mandatory deposits of government funded research. We are intentionally business-model neutral. It is not part of our mission to lobby.”

CrossRef is right to point out that it is more difficult for an organisation to arrive at a consensus when its membership is diverse. Nevertheless, at least two university presses seem equally keen to remain neutral about AAP’s backing of the RWA. In response to my three questions, for instance, Oxford University Press (OUP) simply replied, “We cannot comment as we aren’t taking a public position on this issue.”

Cambridge University Press (CUP), meanwhile, responded, “We have submitted a formal response to the Office of Science and Technology (OSTP), but we want that response to have time to be processed by OSTP and it is too early for us to make any public statements.”

For its part, **Getty Publications** appeared to be unaware of the RWA. “Thanks for your inquiry,” I was told by the Getty media relations department. “We passed it by our colleagues at Getty Publications, but they are unaware of the issue you raise.”

But whatever their current position, what remains to be seen is whether AAP members will be able to stay neutral in light of the growing pressure they face from the research community to overturn the AAP’s support for the RWA. Is it really possible, as the president of the **ACM Alain Chesnais** clearly **believes**, for AAP members to stay neutral on legislation like the RWA when its own members/customers/users begin to criticise it for doing so?

Time will tell, but some maintain that it is in any case disingenuous to pretend that neutrality is possible. As OA advocate Peter Suber points out, AAP members who choose to sit on their hands on this issue are not abstaining, as they may claim. Rather they are sending out a clear message. This message, he says, reads, “We’re undecided about RWA, or our members disagree about RWA, or we don’t take stands on political issues, but we agree to pay dues to an organisation using our money and our name to work energetically against the interests of researchers and research.”

Clearly, some AAP members do actively support the RWA, and are highly unlikely to change their minds. But exactly how many that is we do not know. What we can say with certainty is that **Elsevier**, the largest scholarly publisher in the world, does support the bill. Commenting on a blog **post** published by **Public Library of Science** co-founder **Michael Eisen**, Elsevier’s vice president and head of global corporate relations Tom Reller **asserted**, “Elsevier, along with other commercial and non-profit publishers do indeed support the Research Works Act and commend Congressman Issa and Congresswoman Maloney for co-sponsoring this important legislation.”

The problem is that many in the research community see things very differently. Some, like Peter Murray-Rust, a **Reader in molecular informatics** at the **University of Cambridge**, are not just critical of the AAP’s support for the RWA, but enraged by it. For that reason, Murray-Rust has written open letters to both **OUP** and **CUP** asking them to repudiate the bill.

He writes, “The AAP has proposed a bill which effectively legislates the restriction of access to scholarly publication with the sole intention of raising the income of publishers. I and many others feel this is unethical, immoral and unworthy of any organisation committed to the dissemination of knowledge. Some commentators have described it as an act of war by the publishing industry on the scholarly community.”

*** UPDATE: CUP EXPANDS ON ITS POSITION VIS-À-VIS THE RESEARCH WORKS ACT **HERE** ***

Posted by Richard Poynder at **12:01**



Labels: **CUP**, **ITHAKA**, **MIT Press**, **Open Access**

4 comments:

Ben said...

Richard,

Thanks for all your work. You can add Rockefeller University Press to MIT and Penn State. Executive Director Mike Possner wrote the following letter to Carolyn Maloney.

pdf version: <http://www.mediafire.com/?vu7ng37vkamxxzg>

Dear Representative Maloney,

Alternatives , explained why he believes the var...



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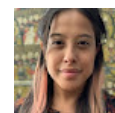
Babu Gedela

***Update: On August 26th 2016, the US government (Federal Trade Commission) announced that it has charged OMICS with making false claims, ...



Robin Osborne
on the state of
Open Access:
Where are we,
what still needs
to be done?

One of a series exploring the current state of Open Access (OA), the Q&A below is with Robin Osborne , Professor of Ancient History a...



Community
Action
Publishing:
Broadening the
Pool

We are today seeing growing dissatisfaction with the pay-to-publish model for open access. As this requires authors (or their funders or ins...

I am the Executive Director of The Rockefeller University Press, a nonprofit organization that publishes three biomedical research journals. I am contacting you as a publisher and as your constituent in the 14th Congressional District of New York to express my strong opposition to the Research Works Act (H.R. 3699), which you and Representative Issa introduced into the House on December 16, 2011.

I want to state emphatically that I support the NIH Public Access Policy and think it should be expanded to other federal funding agencies. All publishers of biomedical research understand several truths: 1) that their content is generated in large part through federally funded research, 2) that the peer review process is carried out in large part by federally funded individuals, and 3) that a significant portion of their subscription revenue is obtained from government funded institutions. Although publishers' content may technically be considered "private-sector research work" as described in the text of H.R. 3699, its very existence depends on public funding.

Some publishers believe they have an obligation to give back to the public that has provided those funds, and, even before the NIH mandate, they made their online content free after a short delay under subscription control. However, a few large, highly profitable publishers refused to do this voluntarily and thus forced the NIH into the position of mandating deposition of NIH-funded research publications in PubMed Central to make them available to the public.

At The Rockefeller University Press, we have released the content of our three journals to the public six months after publication since January, 2001, and our subscription revenues have grown since then. All of the content in our journals is released to the public, regardless of funding source. We are not aware of any data indicating that subscription revenues of biomedical research journal publishers have been directly and negatively affected by the NIH mandate.

Enacting a law that prohibits federal funding agencies from mandating public access to the results of the research they fund will deprive the public of important information that is rightly theirs. Although this Act has been supported by the Association of American Publishers (AAP), it is vital that members of Congress know that not all members of this Association agree with their position. The Rockefeller University Press is a member of the AAP, but we strongly oppose H.R. 3699.

Yours sincerely,
Mike Rossner, Ph.D.
Executive Director
The Rockefeller University Press

These comments are the opinion of the author and do not necessarily reflect the position of The Rockefeller University.

January 13, 2012 8:32 pm 



Joseph J. Esposito said...

Of course AAP members can stay neutral over RWA or, for that matter, anything else. Is this simply a rhetorical question intended to imbue this tiny matter with a sense of urgency? I have no opinion of RWA myself (though I deplore the NIH policy that triggered it), but I am not a member of the AAP, so perhaps it doesn't matter.

January 17, 2012 4:31 am 



Arno Bosse said...

I contacted the University of Chicago Press (my alma mater) with much the same questions.

They do not endorse the RWA or past legislation aimed at the NIH Public Access Policy. They are fully compliant with the NIH mandates and have no plans to change this. However they don't expect to leave the AAP over this issue.

January 17, 2012 9:27 am 



Peter Suber said...

To Arno Bosse: Can you get permission to make the Chicago statement public?

January 17, 2012 2:20 pm 



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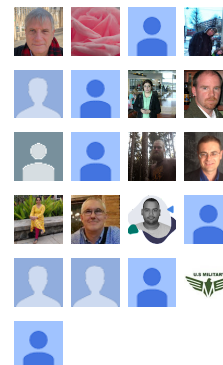
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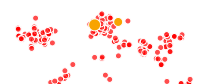
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